



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,659	03/23/2001	Ralf Arnold	GR 98 P 8109 P	6020
24131	7590	01/11/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CONNOLLY, MARK A	
			ART UNIT	PAPER NUMBER
			2115	
DATE MAILED: 01/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,659

Applicant(s)

ARNOLD ET AL.

Examiner

Mark Connolly

Art Unit

2115

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-17 and 19-26 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-26 are presented for examination.
2. The rejections are respectfully maintained and reproduced infra for applicant's convenience.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Admitted Prior Art [AAPA] in view of Mason et al [Mason] US Pat No 5946219.
5. Referring to claim 1, the AAPA teaches the invention substantially including:
  - a. a configurable hardware block comprising a subunit which is required for executing a respective command [page 4 lines 3-18 and fig. 11]. The s-unit (4) is interpreted as a configurable hardware block and the functional unit (42) is interpreted as a given type of subunit.
  - b. implementing one of commands and command sequences of a program to be executed [page 2 lines 15-21].
  - c. ascertaining configuration data with the step of implementing the one of commands and command sequences [page 2 lines 15-21].
  - d. configuring the configurable hardware block by using the configuration data [page 2 lines 15-21].

Art Unit: 2115

The AAPA does not explicitly teach:

- e. ascertaining a given type of subunit of a configurable hardware block, the given type of subunit being required for executing a respective command
- f. selecting, if available, a subunit of the given type of subunit
- g. configuring connections provided around the subunit selected in the selecting step if the subunit of the given type of subunit is found in the selecting step

In summary, AAPA does not explicitly teach configuring a selected portion of a subunit (if available) located within the configurable hardware block. Mason explicitly teaches a configuring a selected portion of a subunit [col. 1 line 45 – col. 2 line 41]. Furthermore, it is obvious that the portion to be configured would only be selected if it were available in order to prevent the subunit from malfunctioning. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the device taught by Mason into the AAPA system because as Mason explicitly states, it would allow the device to be reconfigured “without having to program the entire device” which obviously saves an time [col. 1 line 67-col. 2 line 1].

6. Referring to claims 6 and 7, it is obvious that the implementing step would automatically end if a hardware component required for the implementing step were not available because the system could not run if it does not have adequate resources.

7. Referring to claim 8, the AAPA-Mason system teaches assigning virtual units to functionally configurable physical subunits of the configurable hardware block, the virtual units representing functions which can be imparted to the functionally configurable physical subunits by respectfully configuring the functionally configurable physical subunits [see col.1 lines 45-51 in Mason].

Art Unit: 2115

8. Referring to claims 9-11, Mason teaches using a record and list for configuring the hardware block [abstract and fig. 4].

9. Referring to claim 12, it is obvious that the system would search for a particular virtual unit if it were required to configure the hardware block in order to execute a command otherwise the system would be unable to configure itself.

10. Referring to claim 13, Mason teaches that each physical subunit is used for one operation only [fig. 10A]. Therefore it is obvious that the other virtual units within the physical subunit would remain unused.

11. Claims 2-5, 14-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Mason as applied to claims 1 and 6-13 above, and further in view of Greenbaum et al [Greenbaum] US Pat No 6077315.

12. Referring to claims 2 and 3, although the AAPA-Mason system explicitly teaches implementing commands by configuring a configurable hardware block, the system does not explicitly teach that the implementing step begins and ends with a first and last command in a command block in which the command block has one entry and one exit point. Greenbaum explicitly teaches that when a loop is to be processed, it should be processed using reconfigurable logic [col. 2 lines 33-37]. Loop unrolling is well known concept in compiler design and when a loop is unrolled it has only one entry and one exit point. It would have been obvious to include the teachings of Greenbaum into the AAPA-Mason system because Greenbaum teaches that using reconfigurable logic to execute loops increases execution speed [col. 2 lines 33-37]. It is interpreted by the examiner that the functional unit (42) in the AAPA could be used as the reconfigurable FPGA in Greenbaum.

Art Unit: 2115

13. Referring to claims 4 and 5, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the implementing step on a hyperblock basis. What happens during loop unrolling is that the compiler needs to convert the loop into assembly code so that it can be executed. During this unrolling process, the loop is broken up into distinct portions (or blocks) wherein the instructions in each block are executed immediately and sequentially in order. These blocks are broken up by things like branch and jump instructions. Because the instructions within each block are always executed together, it would be obvious to configure individual portions of the functional unit (42) to implement individual blocks of instructions. Implementing based on instruction blocks is interpreted as implementing on a hyperblock basis.

14. Referring to claims 14 and 15, it is obvious that the AAPA-Mason-Greenbaum system checks a source to determine if the memory previously had information written to it when configuring the connections around the subunit. This is because a loop needs to repetitively perform operations on data and therefore the system needs to determine if it is to operate on data from a data source (initial data passed into the loop) or further perform operations on modified data (interpreted as a data signal). It would be obvious to perform the checking when configuring the connections because the subunits need to either load the data source or signal source which would affect the routing of the configurable connections to either connect the data source or signal source to the subunit. Furthermore, it is obvious that the last subunit used to execute the loop would act as a source because it would have to feed the data, which was just operated on, back to the beginning of the loop thereby acting as a source.

Art Unit: 2115

15. Referring to claim 16, it is obvious that the AAPA-Mason-Greenbaum system checks a destination to determine if the memory previously had information written to it when configuring the connections around the subunit. This is because a loop needs to repetitively perform operations on data and therefore the system needs to determine if it is to operate on data from a data destination (final data passed out of the loop) or further perform operations on modified data (interpreted as a signal destination). It would be obvious to perform the checking when configuring the connections because the subunits need to either pass the data from the loop or pass the data back to the beginning of the loop and would therefore affect the routing of the configurable connections to either connect the output data to an external subunit or back to the first subunit executing the loop. Furthermore, it is obvious that the last subunit used to execute the loop would act as a source because it would have to feed the data, which was just operated on, back to the beginning of the loop thereby acting as a source.

16. Referring to claim 17, it is obvious that another memory area would be used as a destination if it has data stored from another subunit so that in case the other subunit needed to recall the data, it would not be overwritten.

17. Referring to claims 19 and 20, it is obvious that the AAPA-Mason-Greenbaum system selected a constant from either a data or signal source because the purpose of a loop is to perform specific operations on data until a specific condition is met. When the loop is initially entered, a variable is passed into the loop. This is interpreted as a constant being loaded from a data source. After the first iteration of the loop, if the specific condition has not been met, then the data, which has just been operated on and now modified, is passed back to the beginning of the loop so that the specific operations can be performed on the modified data again. The passing of

Art Unit: 2115

the modified data back to the beginning of the loop is interpreted as a constant being loaded from a data signal. Additionally, the data must be stored in a memory in order to be recalled and operated on in future iterations of the loop. It is obvious that this modified data could be stored in a new memory area.

18. Referring to claim 21, Mason teaches that not only can basic logic be realized but “higher level logic functions” can be realized as well [col. 1 lines 48-51]. Because during loop unrolling the instructions are broken into blocks, it would have been obvious to create pseudo-hyperblocks that include a plurality of hyperblocks.

19. Referring to claim 22, if-conversions are well known techniques used in loop unrolling. The breaking up of the instructions into distinct blocks is the end result of an if-conversion. Because the pseudo-hyperblocks are created from a plurality of hyperblocks and because the if-conversion unrolls the loop into blocks comprising the instructions, each instruction corresponding to a hyperblock, it is obvious that the if-conversion ultimately forms the pseudo-hyperblock.

20. Referring to claim 23, the AAPA teaches that the commands are used as configuration data [page 2 lines 15-21] and therefore it is obvious that the AAPA-Mason-Greenbaum system implements commands as configuration data on the pseudo-hyperblocks.

21. Referring to claims 24-26, these are rejected on the same basis as set forth hereinabove.

***Allowable Subject Matter***

22. Claim 18 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



***Response to Arguments***

23. The rejections are respectfully maintained and incorporated by reference as set forth in the last office action.

24. Applicant's arguments filed 24 September 2004 have been fully considered but are not persuasive.

25. In the remarks, applicants argued in substance that:

(1) The AAPA (referred to as AAAPA by applicant) does not teach "configuring a configurable hardware block... ascertaining a given type of subunit of a configurable hardware block... configuring configurable connections provided around the subunit... and configuring the configurable hardware block by using the configuration data" but rather only teaches a functional unit 42 that can be dynamically configured.

(2) Configuration can only be performed inside of functional unit 42 and NOT the s-unit 4.

(3) The functional unit 42 which is disclosed by the AAPA as being a piece of configurable hardware which can be dynamically configured should be considered part of the present invention and not part of the AAPA.

(4) The given type of subunit are actually configurations of the functional unit 42.

(5) Ascertaining as recited in claim 1 implies that "the given type of subunit is discovered or determined through some experimentation or examination based the requirements for executing a respective command relative to available subunits in the configurable hardware block."

Art Unit: 2115

(6) Mason includes no indication or discussion of how configurations are ascertained and later provisionally executed based on their respective availability.

(7) Mason does not provide information about how the connections around the subunit are selected.

(8) The combination of Mason and AAPA does not show “ascertaining a given type of subunit of a configurable hardware block” and “selecting, if available, a subunit of the given type of subunit.”

(9) Greenbaum provides no teaching or suggestion that a command block has only one entry point and one exit point.

(10) Greenbaum does not teach that the steps of ascertaining, selecting and configuring subunits automatically ends when a last command in a command block having only one entry point and one exit point has been implemented.

(11) The combination of Greenbaum, Mason and AAPA does not teach ascertaining a given type of subunit of a configurable hardware block and selecting, if available, a subunit of a given type of subunit.

(12) The combination of Greenbaum, Mason and AAPA does not teach forming pseudo-hyperblocks including a plurality of hyperblocks when implementing commands as configuration data.

26. In response to argument (1), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The AAPA-Mason system teaches “configuring a configurable hardware

Art Unit: 2115

block... ascertaining a given type of subunit of a configurable hardware block... and configuring configurable connections provided around the subunit... and configuring the configurable hardware block by using the configuration data” [See item 5 above].

27. In response to argument (2), the functional unit 42 is capable of being configured as admitted by applicant. Because the functional unit 42 is part of the s-unit 4 and is internal to the s-unit 4, as shown in Fig. 11 in the drawings, any configuration changes to the functional unit 42 would result in a configuration change to the s-unit 4.

28. In response to argument (3), as the applicant very well knows, it is blatantly obvious that the intent of the AAPA was to configure the functional unit 42 within the s-unit 4 in response to commands or command sequences to be executed by the >S<puter. If this were not the case, then the above would not have been, as described by the applicant, a “particular feature” of the prior art [page 2 line 15].

29. In response to argument (4), in which applicant's argue that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the “given type of subunit” are actually “configurations” of the functional unit 42) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

30. In response to argument (5), in which applicant's argue that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “ascertaining” implies that “the given type of subunit is discovered or determined through some experimentation or examination based on the requirements for executing a respective

Art Unit: 2115

command relative to available subunits in the configurable hardware block”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

31. In response to argument (6), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Mason alone was not relied upon to teach how configurations are ascertained. The AAPA-Mason system teaches that configuration data is ascertained on the basis of command or command sequences which are received [See page 2 lines 15-21 of the AAPA].

32. In response to argument (7), in which applicant's argue that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “how the connections around the subunit are selected”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

33. In response to argument (8), as stated above in the response to argument (5) in which applicant's argue that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “ascertaining” implies that “the given type of subunit is discovered or determined through some experimentation or examination based on the requirements for executing a respective command relative to available subunits in the configurable hardware block”) are not recited in the rejected claim(s). Although the claims are

Art Unit: 2115

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, the term ascertaining with respect to “ascertaining a given type of subunit” has not been interpreted by the examiner as being “discovered or determined through some experimentation or examination.” Rather the examiner had interpreted ascertaining as “to apprise” which is the same as informing or giving notice to. It should be apparent that the AAPA-Mason system does indeed give notice to or inform the functional unit 42 as to how it should be configured through the configuration data.

34. In response to argument (9), as stated in the previous Office Action, Greenbaum explicitly teaches that when a loop is to be processed, it should be processed using reconfigurable logic [See item 12 on pages 4 and 5 of the previous Office Action]. In order for hardware to execute code within a loop, a compiler is required to perform what is well known as loop unrolling. An unrolled loop, which is interpreted as a command block, comprises a single entry point and a single exit point. Applicant should be very familiar with the concept of loop unrolling being that a document was filed by applicant in an IDS received by the office 10/27/03 titled “Computer Technology for Future Microprocessors” to Wen-Mei W. Hwu et al. This document is being relied upon as supplying extrinsic evidence to support that unrolled loops comprise only a single entry point and a single exit point. With only a brief view of Figures 1b and 1c it should be clear that the unrolled loop enters *only* at point L0 and exits *only* at point L4. Because Greenbaum compiles code to be executed in reconfigurable processing units, it is obvious that Greenbaum would perform loop unrolling to create a command block that has only one entry point and one exit point since loop unrolling is performed by compilers.

Art Unit: 2115

35. In response to argument (10), in the AAPA-Mason-Greenbaum system, it would be absurd to continue ascertaining, selecting and configuring subunits (i.e. the implementing steps) once the last command of a command block is implemented because the implementation would be complete which means that there would be no more commands in the command block to even implement. Therefore, it has been interpreted by the examiner that the implementing steps end once the last command of a command block has finished being implemented.

36. In response to argument (11), the AAPA-Mason-Greenbaum system does teach ascertaining a given type of subunit of a configurable hardware block [See reply to argument (8)]. The s-unit 4 is interpreted as a configurable hardware block which comprises a plurality of subunits. The functional unit 42 is considered as being one of those subunits and is interpreted as a given type of subunit. It should be noted that the examiner does not interpret the subunits of the s-unit 4 and the subunits of the given type of subunit to be the same even both are labeled as subunits. In addition, although AAPA, Mason and Greenbaum do not explicitly teach selecting, if available, a subunit of a given type of subunit, the examiner stated that it would have been "obvious that the portion to be configured would only be selected if it were available in order to prevent the subunit from malfunctioning" [See item 5 above]. It would be ridiculous to reconfigure a portion of the functional unit 42 while that particular portion is busy because it would undoubtedly cause the system to malfunction. A subunit of the given type of subunit is interpreted as a portion of the functional unit 42 wherein configuring those portions separately would make the functional unit 42 partially reconfigurable as taught by the AAPA-Mason system.

Art Unit: 2115

37. In response to argument (12), pseudo-hyperblocks are nothing more than a plurality of hyperblocks. The AAPA-Mason-Greenbaum system teaches forming hyperblocks during the loop unrolling process as explained in the rejections for claims 4 and 5 in the previous office action. In addition, Mason also teaches that not only can low level functions be realized within the programmable logic, but also higher level functions as well which obviously are built from those low level functions [col. 1 lines 45-51]. This allows “increasingly complex logic functions” to be realized within the programmable logic [col. 1 lines 55-57]. Mason explains that the overall goal in the evolution of programmable logic devices is to employ increasingly higher level functions [col. 1 lines 45-59]. This suggests that it is desirable to configure a device to implement higher-level functions, which comprise the low-level functions, as opposed to low-level functions individually. Therefore, it would have been obvious to one of ordinary skill in the art to modify the AAPA-Mason-Greenbaum system to form pseudo-hyperblocks from a plurality of hyperblocks, because it provides a higher level of abstraction to be realized in the AAPA-Mason-Greenbaum system which is beneficial as suggested by Mason wherein a pseudo-hyperblock is a higher-level function and a hyperblock is a low-level function in comparison to the pseudo-hyperblock.

### ***Conclusion***

38. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 2115

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

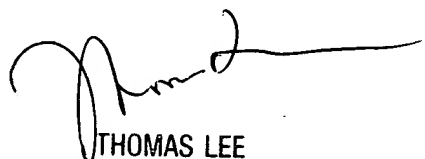
39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Connolly whose telephone number is (571) 272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark Connolly  
Examiner  
Art Unit 2115

mc  
January 5, 2005



THOMAS LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100